

REMARKS

The present amendment is in response to the Office action dated December 27, 2006, where the Examiner has objected to claim 47, rejected claims 36-44 and 50-52 under 35 U.S.C. 103, and rejected claims 45-49 and 53-55 under 35 U.S.C. 102. In the present amendment, claims 36, 38, 45 and 47 have been amended. Accordingly, claims 36-55 are pending in the present application with claims 36, 38, and 45 being the independent claims. Reconsideration and allowance of pending claims 36-55 in view of the amendments and the following remarks are respectfully requested.

A. Claim Objections

The Examiner rejected claim 47 due to informalities. Applicant has amended claim 47 to remove the informalities.

B. Claim Rejections Under 35 U.S.C. 103

In the Office Action, claims 36-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,198,390 issued to Schlager ("Schlager") in view of US Patent Number 6,091,956 issued to Hollenberg ("Hollenberg").

With regard to independent claims 36 and 38, the Examiner states that Schlager teaches the limitations of claims 36 and 38, but does not teach "the user storing a specific activity associated with the at least one target location" and "outputting an indication of the specific activity associated with the at least one target location." The Examiner further states that Hollenberg teaches these limitations. The Examiner states that the combination of Schlager and Hollenberg renders claims 36 and 38 obvious. This rejection is traversed as follows.

An invention is unpatentable if the differences between it and the prior art would have been obvious at the time of the invention. As stated in MPEP § 2143, there are three requirements to establish a prima facie case of obviousness.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a

reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

1. Suggestion or Motivation to Combine

The subject matter of the amended claims is directed to location-based responses to a user utilizing a wireless communications device, in which the user stores a specific activity associated with the at least one target location in the memory before the user enters the target area or becomes proximate to the target location. When the user becomes proximate to one of the target locations, the wireless communication device outputs from the memory an indication of the specific activity. (See, independent claims 36 and 38.)

The Schlager reference addresses the use of a separation distance between a device and a target, which can be used for example to sound an alarm. (See, column 15, lines 1-16.) The Hollenberg reference operates by receiving information via an antenna and conveying the information (such as an advertising message) to a user display. (See, column 16, lines 11-24.)

Schlager fails to disclose any suggestion or motivation for a user to store "a specific activity associated with the at least one target location in a memory, before a user enters a target range," as specified by independent claims 36 and 38. Merely sounding an alarm, as in Schlager, is not a "specific activity" from a "user" such as identifying a grocery store as a target location, and establishing an output response like "picking up a loaf of bread at the grocery store." Furthermore, Schlager proposes a technique which is exactly opposite to that specified by the claims because the trigger in Schlager is when the device moves away from a target not when a device moves into a target region.

In addition, Hollenberg fails to cure the basic deficiencies of the Schlager patent. In Hollenberg, displaying an advertisement when a user enters a certain area or enters a store is still not a "specific activity" from a "user." Even assuming *arguendo* that an advertisement popping up on a user display at a certain location was a "specific

activity," Hollenberg fails to teach storing of the advertisement "in the memory" of the wireless communication device before the user became proximate to the store.

By Hollenberg's very nature, each advertisement must be received via an antenna as the user enters an area proximate to a store where the advertisement would become pertinent. (See, column 16, lines 11-24.) Modifying Hollenberg such that all advertisements are pre-stored in the memory is nowhere disclosed or even suggested because such a modification would create too much data to be stored in any individual handheld device due to the limited memory resources of such a device. For that reason, receiving the advertisements via an antenna on the fly, as disclosed by Hollenberg, teaches away from the proposed combination and, as such, there is no suggestion or motivation to combine Schlager with Hollenberg.

2. Reasonable Expectation of Success

Further, the Examiner has not demonstrated that the modification of the cited reference points to the reasonable expectation of success in the present invention, which is the second requirement of the obviousness analysis. For example, Applicant notes that the Examiner admits that Schlager does not teach a specific activity associated with a target location. (See, page 3 of the Office Action.)

Applicant asserts that Hollenberg does not teach this limitation either. However, even if Hollenberg did teach this limitation, one could not reasonably expect to succeed by combining the two references because Hollenberg requires that the advertisement be received via an antenna after the user becomes proximate to the target range or target area. (See, column 16, lines 11-24.) Even if Schlager could be combined with Hollenberg, the user specific activities that are presently claimed would have to be transmitted to the wireless device after the user entered the target range. This would waste bandwidth, it would increase latency, and it is contrary to the wording of the current claims.

Similarly, it would be impossible to put all of the possible advertisements into the memory of a wireless device in advance of entering the target range because there are too many advertisements, they change too often, and the wireless device has limited resources. In fact, the present application specifically avoids the drawbacks that would

occur if the user specific activities were not put into memory beforehand. These are the very same drawbacks that would hinder the expectation of success of the proposed combination, if it were possible to combine Schlager with Hollenberg.

3. Combined References Must Teach All Claim Limitations

With respect to the third prong of an obviousness analysis, the combination of the references does not yield all the limitations specified by the claims. For example, the present claims 36 and 38 (the wording is slightly different for each claim) provide that the user stores a "specific activity" associated with the at least one target location in the memory "before approaching the target range."

The Schlager patent discloses self-locating remote monitoring systems in which a base station receives information from the remote device to determine appropriate actions, such as sounding alarms (See, col. 7, lines 5-10.) For example, in FIG. 16, geographical regions and boundaries are stored in the storage circuits 410, and serve as one input to the comparator 412 (FIG. 13). The comparator 412 also receives the location output 432 from the navigational receiver 406. The comparator 412 compares the location of the remote unit 402 with the defined geographical region and defines a relationship between the location and the defined region which is expressed as a positional status. For the first example, the location is "within a defined geographical region" or "outside the defined geographical region." The comparator 412 defines a positional status that "the location of the remote unit relative to the defined region is acceptable" or "the location of the remote unit relative to the defined region is not acceptable." This positional status is then transmitted to the base station 404 and will or will not result in activation of an alarm 430.

For a next example, three successive locations 498, 500 and 502 are an "acceptable", a "warning" or a "prohibited" subregion in Schlager. In another embodiment; no enforcement or warning are given by the remote unit 402. Instead, as when used to monitor the movements of children or elderly patients, the positional status is transmitted to the base station 404 for a determination of a positional status.

Regardless of the nature of the subregions in Schlager, the teaching is to, for example, sound an alarm or not sound an alarm. Such a sounding or not sounding of

an alarm is not a "specific activity" defined by a user. It is merely an alarm that is not specific, not changeable, and not defined by the user.

Hollenberg, on the other hand, receives information via an antenna and conveys the information (such as an advertising message) to a user display. (See, column 16, lines 11-24). The purpose of the antenna in Hollenberg is to receive input data when the user enters the target range. As such, Hollenberg does not store the advertisement it provides "before the user becomes proximate to the target range." Since the combination of references does not include all the limitations of the invention in claims 36-44 and 50-52, the Applicant requests that the rejection be withdrawn.

C. Claim Rejections Under 35 U.S.C. 102

Claims 45-49 and 53-55 are rejected as anticipated under 35 U.S.C. 102(b) by Schlager. Applicant has amended independent claim 45. Applicant asserts that Schlager does not teach, suggest, or describe "a user input device for inputting the each target location and for inputting the each target message before the wireless device is within the range area."

Schlager teaches self-locating remote monitoring systems in which a base station receives information from a remote device to determine its location and sound an alarm. (See, col. 7, lines 5-10.) For example, in FIG. 16, geographical regions and boundaries are stored in the storage circuits 410, and serve as one input to the comparator 412 (FIG. 13). The comparator 412 also receives the location output 432 from the navigational receiver 406. The comparator 412 compares the location of the remote unit 402 with the defined geographical region and defines a relationship between the location and the defined region which is expressed as a positional status. This positional status is then transmitted to the base station 404 and will or will not result in activation of an alarm 430.

Activating an alarm based on a positional status is not a "target message" that is input by a user as claimed by Applicant, as discussed above. That is, a warning as taught by Schlager does not prompt the user to perform a user-stored specific activity as claimed by Applicant nor is it input before the user enters the target area. Therefore, Schlager clearly does not disclose the device of claim 45.

As such, Applicant asserts that the independent claim 45 is not anticipated by Schlager. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for the pending independent claim 45 and its respective dependent claims 46-49 and 53-55.

D. Claim Rejections Under 35 U.S.C. 103

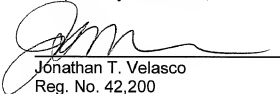
In the Office Action, claims 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlager. As discussed above, independent claim 45 is patentably distinguishable over Schlager, and, as such, claims 50-52 depending from independent claim 45, are, a fortiori, also patentably distinguishable over Schlager.

E. Conclusion

For all the foregoing reasons, an early allowance of claims 36-55 pending in the present application is respectfully requested. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully Submitted,

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